

UNITED STATES COURT OF MILITARY COMMISSION REVIEW

UNITED STATES OF AMERICA

v.

OMAR AHMED KHADR

CMCR CASE NO. 07-001

***RULING ON MOTIONS TO
ATTACH, AND DISCLOSURE***

DATE: 14 AUGUST 2007

Upon review and consideration of the Defense Motion for Judicial Disclosure filed with this Court on August 3, 2007, and the Government and Defense Motions to Attach documents, filed with this Court on August 13, 2007, the Court ORDERS:

1. The Defense Motion for Judicial Disclosure is GRANTED to the extent that the Rules of Practice were provided to the Judges appointed by the Secretary of Defense and Deputy Secretary of Defense, prior to the Deputy Chief Judge's approval, for consultation as required by Rule for Military Commissions 1201(b)(4) and Regulation for Trial by Military Commissions, paragraph 25-3. Consultation occurred by e-mail, telephone conversations, and in person on various occasions during June 2007.
2. The Defense Motion for Judicial Disclosure concerning the consultation process to the extent it exceeds the disclosure in paragraph 1 is DENIED. The Freedom of Information Act is not applicable to Military Commissions and Courts of the United States. *See* 5 U.S.C. §§ 551(1)(B) 551(1)(F) and 552(a) as well as *Megibow v. Clerk of the United States Tax Court*, 432 F.3d 387 (2d Cir. 2005). *See also United States v. Casas*, 376 F.3d 20 (1st Cir. 2004); *In re Certain Complaints Under Investigation by an Investigating Comm.*, 783 F.2d 1488 (11th Cir. 1986).
3. The Motions to attach are GRANTED.

//Signed//

JOHN W. ROLPH
Deputy Chief Judge